

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CLAUDE REESE,

Plaintiff,

- against -

ROBERT WILLIAMSON, et al.,

Defendants.

$$\begin{matrix} \mathbf{X} \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \vdots \\ \mathbf{X} \end{matrix}$$

22-CV-10494 (PMH)

JOINT PROPOSED VOIR DIRE
FORM

PHILIP M. HALPERN, United States District Judge:

QUESTIONS FOR POTENTIAL JURORS

Please indicate if your answer to any of the following questions is “yes.” If you would prefer not to give your answer in open court, please say so, and we will take your answer in private.

PART I

1. Do you have any hesitation or unwillingness to accept the rules and instructions that I have already stated?
2. Do you have any doubt that you will be able to apply the law as I explain it even if you disagree with it?
3. Do you have any difficulty reading, speaking, or understanding the English language?
4. Do you have a problem with hearing or vision that would affect your ability to follow the testimony or the evidence?
5. Are any of you taking any medication, or experiencing any medical condition or problem, that might make it difficult for you to give your full attention to the case or that might otherwise interfere with your service as a juror?
6. Is there anyone here who is not a U.S. citizen?
7. Given the brief description of the allegations I provided you, is there anything about this case that would cause you to believe that you could not consider the evidence fairly and impartially according to law?
8. Do you have any personal knowledge of the claims in this case, other than what I have just described? Have you seen or read anything about this case?

9. The plaintiff in this case is Claude Reese. Do you know, or, to your knowledge, have you had any dealings, directly or indirectly, with Claude Reese, or with any relative, friend or associate of his?
10. The defendants in this case are Robert Williamson, Steven Drapala, Richard Bodnar, Justin Friedlander, Clifford Donovan, Danny Lawrence, Joseph Burns, Robert Garcia, Andrew Milyko, Glenroy Riley, and Michael Padgett. Do you know, or, to your knowledge, have you had any dealings, directly or indirectly, with then, or with any of their relatives, friends or associates?
11. The defendants are represented by Cynthia Luo, Ian Ramage, and Owen Crowley of the New York State Attorney General's Office. Do you know any of these people or have you had any dealings – personal or business – with them or their offices? To your knowledge, have any of your close friends or relatives ever been employed by or had dealings – personal or business – with any of the parties, the attorneys, or the attorneys' offices?
12. In this case, the defendants are represented by attorneys employed by the New York State Attorney General's Office. Do you understand that defendants' representation by the New York State Attorney General's Office should have no bearing on your evaluation of the facts of this case?
13. Do any of you know me or anyone else associated with this Court?
14. Do you know any other members of the jury panel? As you look around the room, do you recognize anyone you know?
15. Below is a list of people who may be mentioned or who may testify at trial. Do you know or have you heard of any of these people?
 - a. Wayne June
 - b. Curtis Howland
 - c. Gregory Radcliffe
 - d. Asia Reese
16. Have you, any close friend or member of your family ever been an employee of the State of New York, or any state governmental agency, including the Department of Corrections and Community Supervision or the Office of the New York State Attorney General?
17. Have you had any personal experience or interaction with any law enforcement agency, or any law enforcement officers? By law enforcement officer, I mean a police officer, a parole officer, a correction officer, an FBI agent or anyone who is responsible for enforcing criminal laws. If yes, would anything about that experience make it difficult for you to be fair and impartial in this case?

18. Have you, or has any member of your family, any associate, or any close friend, ever been arrested or charged with a crime? If yes, would anything about that experience make it difficult for you to be fair and impartial in this case?
19. Have you ever worked in the legal field?
20. Have you ever practiced law? If so, what kind of law have you practiced?
21. Do you have any relatives or close friends who are attorneys, judges, or court personnel?
22. Do you have any relatives or close friends who work in law enforcement?
23. Do you have any relatives or close friends who work as a correction officer or in any other capacity in a jail or prison?
24. Have you, or any or has a close friend or relative, ever worked as a law enforcement officer?
25. Does your job cause you to work with any law enforcement office, law enforcement agency, or correctional facility? If so, which office, agency, or facility? What type of interaction did you have with the office, agency, or facility?
26. Have you, or has a close friend or relative, ever been involved in a civil or criminal legal proceeding? If so, what kind of case? What was your, or your relative's or friend's, involvement? Is there anything about that experience that might make it difficult for you to be fair and impartial in this case?
27. Do you or members of your family or close friends now have, or have you or they ever had, a lawsuit or a claim for compensation against the State of New York, or any of their agencies or employees?
28. Do you think that you would treat a correction officer more favorably or give him the benefit of the doubt simply because of that status?
29. Do you have any problem with or objection to that aspect of our legal system that entitles one to recover punitive damages, that is monetary damages to punish another for malicious conduct?
30. Have you or any of your friends or family members ever been a victim of a crime? If so, explain. Do you believe your experience as a crime victim would impair your ability to be a fair and impartial juror in this case?
31. Have you ever served as a juror in any court? When and in what court was that? Was it a civil or criminal case? Without telling us what the verdict was, did the jury reach a verdict? Have you ever served as a grand juror? Is there anything about your prior experience as juror that would prevent you from acting as a fair and impartial juror in this case? Would

you be able to put out of your mind whatever instructions the court gave during your previous jury service and follow my instructions?

32. Have you ever been a plaintiff in a lawsuit? If so, what was the nature of the lawsuit, and will your experience in that lawsuit prevent you from deciding this case fairly?
33. Have you ever been a defendant in a lawsuit? If so, what was the nature of the lawsuit, and will your experience in that lawsuit prevent you from deciding this case fairly?
34. Do you have any religious, philosophical or other beliefs that would make you unable to render a verdict in this case?
35. If selected as a juror, you may not allow race, religion, or ethnic background to influence your evaluation of the evidence presented during the trial. Do you have any reservations or hesitations about that?
36. Do you have any hesitation that you could decide this case fairly and impartially without prejudice or sympathy for or against any party, and that you will render a fair and impartial verdict based solely upon the evidence presented at trial and upon the law as the court instructs you?
37. Do you have any reservations about discussing your opinions with other people or about sitting in judgment of others?
38. If you find the evidence does not support the plaintiff's claims, will you have any problem rendering a verdict in defendants' favor?
39. If plaintiff is able to prove his case under the law the judge gives you, will you have any problem awarding a verdict in his favor?
40. Would the fact that plaintiff previously was convicted of a crime and sentenced to prison prevent you from awarding monetary damages to plaintiff, if you conclude that plaintiff otherwise is legally entitled to monetary damages?
41. I have tried to direct your attention through my questioning to possible reasons why you might not be able to sit as a fair and impartial juror. But only you know whether there is something else I did not mention that I should have asked about. I am going to ask you to put yourself in the position of the lawyers and the parties. If you were sitting in their position, is there any reason to be concerned that a juror like yourself could not be fair and impartial in this case? Can you think of any other reason why you cannot or should not serve as a juror in this case? If so, please raise your hand.

PART II

1. What is your age?

2. Where were you born? Where did you grow up?
3. What is your city, town, or village, and county, of residence?
4. How long have you been at that residence? Where else have you resided during the last ten years?
5. How far did you go in school?
6. What sort of work do you do, for how long, and what have you previously done for work? If retired, what sort of work did you do before retirement?
7. Are there other adults in your household? If so, what sort of work do they do? If retired, what did they do prior to retirement?
8. Do you have children? How old are they? If grown, what sort of work do they do?
9. Have you, or has any member of your immediate family, served in the armed forces? If so, what branch and when?
10. Which newspapers, magazines, websites, or blogs do you regularly read? To which radio stations and television shows do you regularly tune in? Do you use social media (Facebook, Twitter, Instagram, Snapchat, etc.)? How often?
11. What do you like to do in your free time?
12. Do you have a favorite book? If so, what is it?